

242.260 Transportation and delivery in dry or moist territory prohibited -- Exception for any moist territory where sale of alcoholic beverages specifically authorized under limited local option election -- Immunity for common carriers -- Absolute defense -- Exception for private residence or event.

- (1) It shall be unlawful for any person to bring into, transfer to another, deliver, or distribute in any dry or moist territory, except as provided in subsection (2) of this section, any alcoholic beverage, regardless of its name. Each package of such beverage so brought, transferred, or delivered in such territory shall constitute a separate offense. Nothing in this section shall be construed to prevent any distiller or manufacturer or any authorized agent of a distiller, manufacturer, or wholesale dealer from transporting or causing to be transported by a licensed carrier any alcoholic beverage to their distilleries, breweries, wineries, or warehouses where the sale of such beverage may be lawful, either in or out of the state.
- (2) Subsection (1) of this section shall also apply to any moist territory unless the sale of the alcoholic beverage in question has been specifically authorized in that moist territory under a limited local option election.
- (3) No properly licensed common carrier or any of its employees acting on behalf of a consignor shall be liable for a violation of this section.
- (4) Proof that the purchaser represented in writing that the delivery address is located in wet territory shall be an absolute defense to a violation of this section on behalf of a retailer, winery, small farm winery, or distillery in connection with the delivery or shipment of alcoholic beverages purchased at retail.
- (5) It shall not be a violation of this section for a person to bring alcoholic beverages that were lawfully purchased in wet or moist territory into dry or moist territory to a private residence, or to a private event regardless of whether the venue is a public place, for personal consumption or consumption by others so long as the possession, consumption, or provision does not occur at a public place in violation of KRS Chapter 222. For purposes of this subsection, an event is public, not private, if any member of the public is permitted to enter or attend the event upon payment of consideration.

Effective: April 9, 2019

History: Amended 2019 Ky. Acts ch. 201, sec. 2, effective April 9, 2019. -- Amended 2018 Ky. Acts ch. 164, sec. 10, effective April 13, 2018. -- Amended 2013 Ky. Acts ch. 121, sec. 25, effective June 25, 2013. -- Amended 1942 Ky. Acts ch. 186, secs. 1 and 3. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 2554c-20.

Legislative Research Commission Note. "Alcoholic beverage" has been substituted for "intoxicating liquor" in order to fit the definitions contained in KRS 242.010.